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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,571	05/16/2005	Takuhiro Kondo	Got 202NP	5502
23995	7590	02/25/2008	EXAMINER	
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			NGUYEN, VU Q	
			ART UNIT	PAPER NUMBER
			3683	
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			02/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/516,571	Applicant(s) KONDO ET AL.	
	Examiner VU Q. NGUYEN	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/18/2008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/18/2008 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Document JP 9-327149 (JP '149).

Regarding claim 1, JP '149 discloses an electromagnetic shock absorber comprising: a shock absorber body (6, 12) which makes telescopic motion in response to an input from outside; a ball screw mechanism (10, 11) which is arranged at the shock absorber body, converts the telescopic motion into rotary motion, and is composed of a ball nut (11) and a screw shaft (10); a motor (1) which is provided

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coaxially with the shock absorber body and generates electromagnetic resistance to oppose against the rotary motion to be input into a rotary shaft (1a) of the motor; and a cylindrical member (18) which covers the shock absorber body and the motor from outside and whose part to cover the motor also serves as a motor frame; wherein: the shock absorber body has an external cylinder (6) and an internal cylinder (12) to be slidably inserted into the external cylinder; an upper part (18) of the external cylinder extends (as broadly recited, by connection of cylindrical member 18 to external cylinder 6) so as to cover the motor, and the frame of the motor is formed in one united body (cylindrical member 18 and external cylinder 6 has been interpreted as one united body because the two parts can be reasonably said to be united, as broadly recited, by bolt 19) at an extended part (18) of the external cylinder; the cylindrical member is constituted as an integrated part of the external cylinder (for the same reasons set forth above as to how the cylindrical member 18 and the external cylinder 6 has been interpreted as one united body; the cylindrical member 18 can be said to be an integrated part of external cylinder 6 by means of bolt 19); the ball nut of the ball screw mechanism is fixed to an upper part of the internal cylinder (by means of element 13) and a screw shaft to be spirally engaged with the ball nut is connected with the rotary shaft of the motor; an outer circumference of the internal cylinder is slidably supported by a bush (14) installed at an inner circumference of a lower end of the external cylinder; a halfway point of the screw shaft is rotatably supported through bearings (15) installed inside the external cylinder; a first cushion member (21) is installed at a lower end of the screw shaft, the first cushion member coming into contact with the ball nut

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from an under surface when the internal cylinder makes a stroke up to a maximum descent position; and a second cushion member (20) is installed at a lower end of the bearing, the second cushion member coming into contact with the ball nut from a top surface when the internal cylinder makes a stroke up to a maximum ascent position.

Regarding claim 6, see planetary gear mechanism 50.

Regarding claim 8, see elements 18 and 6 having a same diameter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Document JP 9-327149 (JP '149) in view of U.S. Patent No. 5070284 (Patil et al.).

JP '149 discloses an electromagnetic shock absorber as applied to claims 1, 6, and 8 above.

JP '149 does not disclose expressly that the rotary shaft of the motor is rotatably supported at its both ends by a pair of bearings installed at the external cylinder.

Patil et al. disclose an electromagnetic shock absorber (100), wherein a rotary shaft (carried by upper end of screw shaft 112; column 5, lines 11-24) of a motor (104) is rotatably supported at its both ends by a pair of bearings (114).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the electromagnetic shock absorber as taught by JP '149 to include bearings at both ends of the rotary shaft of the motor as taught by Patil et al. The suggestion/motivation for doing so would have been to provide support and guidance, as is well-known in the art, for the rotary shaft of the motor.

Response to Arguments

Applicant's arguments filed 01/18/2008 have been fully considered but they are not persuasive.

Applicant appears to argue that the recitation of "the frame of the motor is formed in one united body at an extended part of the external cylinder" and "the cylindrical member is constituted as an integrated part of the external cylinder" precludes frame/cover/cylindrical member 18 from being fastened to external cylinder 6 by bolt 19 of JP '149. The Examiner submits that the broad recitation of "united" implies at least two parts being put together. For this reason, the Examiner submits that claim 1, as amended, does not clearly preclude fastening frame/cover/cylindrical member 18 to external cylinder 6 by bolt 19 in JP '149. In making the broadest reasonable interpretation, the Examiner submits that fastening frame/cover/cylindrical member 18 to external cylinder 6 by bolt 19 can be reasonably interpreted as uniting the frame/cover/cylindrical member 18 and external cylinder 6 as one body. For the same reasons as above, cylindrical member 18 can be said to be an integrated part of external cylinder 6. In other words, the Examiner submits that two parts can still be said

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to be united or integrated, and thus, the recitation of “one united body” and “an integrated part” does not clearly preclude a two-piece, fastened structure. Therefore, as the amended claims have not clearly recited a one-piece, integral structure with regard to the frame/cover/cylindrical member and the external cylinder, the Examiner submits that JP '149 is still applicable to the claims, as amended.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VU Q. NGUYEN whose telephone number is (571)272-7921. The examiner can normally be reached on Monday through Friday, 11:30 AM to 8:00 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. Q. N./
Examiner, Art Unit 3683

/Robert A. Siconolfi/
Supervisory Patent Examiner, Art
Unit 3683